

## REVIEW REQUIREMENTS CHECKLIST FOR CCRC

**LINE OF BUSINESS: CCRC**

**CODES: CC01 through CC01**

*This checklist should be completed to assist in the submission and review of forms submitted to the New Hampshire Insurance Department. It is not intended to be an all inclusive listing of required provisions rather guidance for areas of frequent questions and areas needing special attention. All New Hampshire Statutes and Rules are available at <http://www.nh.gov/insurance/rules/rules.htm>*

<b>REVIEW REQUIREMENTS</b>	<b>REFERENCE</b>	<b>DESCRIPTION OF REVIEW STANDARDS REQUIREMENTS</b>	<b>LOCATION OF STANDARD IN FILING</b>
<b>GENERAL REQUIREMENTS (FOR CCRC FILINGS)</b>			
ADVERTISING	<a href="#">NHCAR Part Ins 2600</a>	Advertising Guidelines	
ASSUMPTIONS/MERGERS/ REDOMESTICATIONS and DEMUTUALIZATION, ETC		Coordination with NHID Examinations Division is required. Forms must be filed for approval.	
COVER PAGE (Form Number)	<a href="#">NHCAR Part Ins 401.03(a)</a>	Form number in lower left hand corner of face page	
Disclosure cover page requirement	<a href="#">RSA 420-D:4 I</a>	Notice: You are advised to consult with an attorney before signing any documents or agreements concerning this matter. You have the right to cancel this agreement within 10 days after signing without obligation, except for certain described services and charges.	
	<a href="#">NHCAR Part Ins 1808.03(f)(2)</a>	The notice required by RSA 420-D:4 I, shall appear on the cover page of the disclosure statement in a prominent location and typeface.	

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	<a href="#">RSA 420-D:4 IV</a>	“The Issuance of a certificate of authority does not constitute approval, recommendation, or endorsement of the facility by the department nor is it evidence of, nor does it attest to, the accuracy or completeness of the information set out in the disclosure statement.”	
READABILITY Non-english policies		English version of forms must be approved. Foreign Language forms may be submitted with English version along with accurate and same meaning certification.	
<b>OTHER REQUIREMENTS</b>			
Amendments	<a href="#">NHCAR Part Ins 1808.02 (c)</a>	CCRC must submit any revision(s) or amendment(s) to the Resident Contract for approval	
	<a href="#">NHCAR Part Ins 1808.03 (e)</a>	CCRC must submit any revision(s) or amendment(s) to the Disclosure Statement for approval	
Cover Letter	<a href="#">NHCAR Part Ins 1808.03 (b) (1)</a>	Require cover letter with duplicate copy and postage paid envelope.	
<b><u>REQUIREMENTS RELATING TO FORM REVIEW:</u></b>			
CANCELLATION/EVICTION	<a href="#">RSA 420-D:12 I (d)</a>	State the conditions upon which the provider may evict a resident and the conditions upon which a resident may terminate his residency. A statement as to what portion of the entrance fee shall be returned under each condition	
	<a href="#">RSA 420-D:12(h)</a>	All reasons must be shown; minimum 30 day notice, 2 doctors	

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	<a href="#">RSA 420-D:12 II (b)</a>	The commissioner may intervene prior to a dismissal if so requested by the resident.	
DEFINITIONS	<a href="#">RSA 420-D:1 I</a>	<p>II. ""Commissioner"</p> <p>III. ""Continuing care" or ""life care"</p> <p>IV. ""Department"</p> <p>V. ""Entrance fee", ""entrance deposit" or ""accommodation fee" for one year or \$10,000.</p> <p>VI. ""Facility"</p> <p>VII. ""Licensed"</p> <p>VIII. ""Living unit"</p> <p>IX. ""Manager"</p> <p>X. ""Periodic payments" or ""monthly care fees"</p> <p>XI. ""Provider"</p> <p>XII. ""Resident"</p> <p>XIII. ""Solicit"</p> <p>XIV. (a) ""Unearned portion of entrance fee"</p> <p>(b) ""Earned portion of entrance fee"</p> <p>XV. ""Just cause"</p>	

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	<a href="#">NHCAR Part Ins 1802.01</a>	(b) the following definitions shall apply:  (1) "Escrow date", (2) "Continuing Care Retirement Community (CCRC)" (3) "General court" (4) "Health care provider" (5) "Major changes" (6) "Market value" (7) "National Association of Insurance Commissioners (NAIC)"	
DISCLOSURES	<a href="#">NHCAR Part Ins 1808.03</a>	A CCRC shall submit all disclosure statements to the commissioner for prior approval.	
	<a href="#">NH CAR Part Ins 1808.03 (b) (1)</a>	Duplicate copies of the proposed disclosure statement;	
	<a href="#">NH CAR Part Ins 1808.03 (b) (2)</a>	A cover letter in duplicate,	
	<a href="#">NH CAR Part Ins 1808.03 (b) (3)</a>	A return envelope with return postage; and	
	<a href="#">NH CAR Part Ins 1808.03 (b) (4)</a>	The examination fee required by Ins 1809.	
	<a href="#">NH CAR Part Ins 1808.03 (e)</a>	The CCRC shall submit to the commissioner for his approval any revision(s) or amendment(s) to an approved disclosure statement	
	<a href="#">NH CAR Part Ins 1808.03 (f)</a>	In addition to the requirements of RSA 420-D:4 and Ins 1808.01, the disclosure statement shall comply with the following rules:	

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	<a href="#">NH CAR Part Ins 1808.03 (f) (1)</a>	The disclosure statement shall include a statement advising the prospective resident that New Hampshire law requires the CCRC to provide the prospective resident with a disclosure statement before the initial transfer of funds and before the prospective resident consents to any contract with the CCRC; and	
	<a href="#">NH CAR Part Ins 1808.03 (f) (2)</a>	The notice required by RSA 420-D:4 I, shall appear on the cover page of the disclosure statement in a prominent location and typeface.	
	<a href="#">NH CAR Part Ins 1808.03 (g)</a>	Changes in the operation of a CCRC which require an amendment to the disclosure statement shall include the following:	
	<a href="#">NH CAR Part Ins 1808.03 (g) (1)</a>	Changes in the board of directors, officers, managing or general partners, administrators or trustees and managers which affect the management of the CCRC. The CCRC shall file biographical affidavits by these individuals with the commissioner at the time the CCRC submits an amended disclosure statement;	

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	<a href="#">NH CAR Part Ins 1808.03 (g) (2)</a>	Any new or additional mortgages, liens, security interests, loan commitments, long-term financing arrangements or leases, which materially affects the real property of the CCRC. The CCRC shall file a copy of all pertinent documents evidencing the transactions with the commissioner at the time the CCRC submits an amended disclosure statement; and	
	<a href="#">NH CAR Part Ins 1808.03 (g) (3)</a>	Other material changes in the financial or factual information contained in the disclosure statement or any statement in support of the CCRC's original application for a certificate of authority. The CCRC shall file explanatory material and copies of pertinent documents concerning the material changes with the commissioner at the time the CCRC submits an amended disclosure statement.	
	<a href="#">NH CAR Part Ins 1808.03 (h)</a>	All disclosure statements shall be printed in 10-point type or larger.	
	<a href="#">RSA 420-D:4 II(a)</a>	The name of the organization and whether it is for profit, and whether it is a partnership, corporation, or other type of organization.	
	<a href="#">RSA 420-D:4 II (b)</a>	For all officers, trustees, investors, and owners with more than 5 percent ownership and for the facility manager:	

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	<a href="#">RSA 420-D:4 II(b)(1)</a>	Name, address and amount of ownership.	
	<a href="#">RSA 420-D:4 II(b)(2)</a>	Responsibility and relationship to the facility.	
	<a href="#">RSA 420-D:4 II(b)(3)</a>	Previous experience with similar facilities.	
	<a href="#">RSA 420-D:4 II(b)(4)</a>	Previous business experience	
	<a href="#">RSA 420-D:4 II(b)(5)</a>	Any felony convictions against such person in any jurisdiction.	
	<a href="#">RSA 420-D:4 II (b)(6)</a>	Any court orders or injunctive relief against such person.	
	<a href="#">RSA 420-D:4 II (b)(7)</a>	Relationships with other nursing homes or like communities.	
	<a href="#">RSA 420-D:4 II(b)(8)</a>	Previous bankruptcies or financial actions against such person.	
	<a href="#">RSA 420-D:4 II (b)(9)</a>	Relationship with any supplier or potential supplier of services.	
	<a href="#">RSA 420-D:4 II (b)(10)</a>	Supplies or materials of any kind contributed or sold to the provider.	
	<a href="#">RSA 420-D:4 II (c)</a>	The provider's relationship with any religious, charitable, or nonprofit organization and the extent of such organization's financial responsibilities to the provider or to residents.	
	<a href="#">RSA 420-D:4 II (d)</a>	Whether the provider claims to be nonprofit or tax exempt.	

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	<a href="#">RSA 420-D:4 II (e)</a>	The location and description of the facility and, if it is proposed or incomplete, the estimated completion date, status of construction, and any contingencies on that completion date.	
	<a href="#">RSA 420-D:4 II (f)</a>	Those services to be provided by the facility under basic contract and those at extra cost.	
	<a href="#">RSA 420-D:4 II (g)</a>	All locations where services are to be provided, if different from the main facility.	
	<a href="#">RSA 420-D:4 II (h)</a>	All entrance fees and periodic payments required of residents and a description of all policies and conditions for refund or return of these fees and payments.	
	<a href="#">RSA 420-D:4 II (i)</a>	When and how periodic payments may be changed by the facility.	
	<a href="#">RSA 420-D:4 II (j)</a>	Provisions of the provider for reserve funding, escrows, and trusts and investment of these funds.	
	<a href="#">RSA 420-D:4 II (k)</a>	Financial statements audited by a certified public accountant	
	<a href="#">RSA 420-D:4 II (l)</a>	New Facility or addition to Facility requirements if the facility has not yet begun operating. If not begun operating refer to RSA 420-D:4 II (l) (1-15), RSA 420-D:7 I (c) & (d), RSA 420-D:2, and NHCAR Part Ins 1808.02(c)	



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EXCLUSIONS & LIMITATIONS	<a href="#">NHCAR Part Ins 1808.01 (b)</a>	<p>If pre-existing conditions are excluded from the medical care and services available from the CCRC, or limited as to coverage, the term pre-existing condition shall not limit coverage beyond that stated in the following:</p> <p>"A pre-existing condition is a disease, illness, sickness or physical condition for which medical care, advice or treatment was recommended by or received from a physician within the 5 year period preceding the date the CCRC committed itself to accept the individual as a resident."</p>	
FEES	<a href="#">NHCAR Part Ins 1809.01 (c)</a>	Upon submitting a contract with resident form or any amendments revisions to the contract with resident form to the commissioner for approval, a CCRC shall pay a fee of \$80 to the state of New Hampshire.	
	<a href="#">NHCAR Part Ins 1809.01 (a) &amp; (b)</a>	For certificate of authority and other fees see NHCAR Part 1809.01 (a)(b) (overseen by the Financial Exams Division)	
FREE LOOK	<a href="#">RSA 420-D:4 I</a>	10 days	
REFUNDS	<a href="#">RSA 420-D:12 I (n)</a>	Full refund except application fee which may not be greater than 1 month's charge.	

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TERMINATION	<a href="#">RSA 420-D:12 I (h)</a>	Terms and conditions for cancellation of an agreement; notice 30 days; written medical findings“danger to self and others” 2 physicians- reasonable notice	
<b><u><i>OTHER REQUIREMENTS</i></u></b>			
Pricing Change	<a href="#">RSA 420-D:12 I (k)</a>	60 days notice required for any change in contract pricing.	
Resident Contract Standards	<a href="#">NHCAR Part Ins 1808.02 (a)</a>	All contracts between CCRC and resident executed on form previously approved by commissioner. The CCRC will provide the commissioner duplicate copies of the proposed contract, a cover letter in duplicate, a return envelope with return postage and the examination fee required by Ins 1809. The cover letter will provide a brief description of the main features of the contract form.	
	<a href="#">NHCAR Part Ins 1808.02(b)</a>	Each contract with resident shall have attached a separate page notifying prospective resident of their right to rescind the contract	
	<a href="#">NHCAR Part Ins 1808.02(b)(1)</a>	The notice shall indicate the date the rescission period begins;	

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	<a href="#">NHCAR Part Ins 1808.02(b)(2)</a>	The notice shall include a statement to the effect that the prospective resident may rescind and terminate his or her contract or agreement, without penalty or forfeiture, within 10 days of the date the rescission period begins	
	<a href="#">NHCAR Part Ins 1808.02(b)(3)</a>	The notice shall include a statement that the prospective resident is not required to move into the CCRC before the expiration of the 10 day rescission period and that no other agreement or statement signed by the prospective resident shall constitute a waiver of the right to rescind the contract or agreement within the 10 day rescission period	
	<a href="#">NHCAR Part Ins 1808.02(b)(4)</a>	The notice shall include instructions advising the prospective resident who wishes to rescind his contract or agreement	
	<a href="#">NHCAR Part Ins 1808.02(b)(4) a.</a>	He or she may do so by mailing or delivering a signed and dated copy of the notice, or any other dated written notice, letter or telegram, stating one's desire to rescind the contract or agreement to the CCRC; and	
	<a href="#">NHCAR Part Ins 1808.02(b)(4) b.</a>	Such notice to the CCRC must be mailed to the business address of the CCRC not later than midnight of the date of the last day for rescission, as specified on the notice by the CCRC; and	

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	<a href="#">NHCAR Part Ins 1808.02(b)(5)</a>	The notice shall include a portion that the prospective resident can use to notify the CCRC that the prospective resident is canceling the contract or agreement, as permitted by the notice of the right to rescind. This portion shall include a line where the prospective resident may place his signature and write in the date of signature.	
	<a href="#">NHCAR Part Ins 1808.02(c)</a>	The CCRC shall submit to the commissioner for approval any revision(s) or amendment(s) to an approved contract form	
	<a href="#">NHCAR Part Ins 1808.02(d)</a>	When submitting either a proposed contract form, amendments or revisions to a contract form to the commissioner for approval, the CCRC shall in a supplement to the cover letter, list every instance where the contract form will use variable language.	
	<a href="#">NHCAR Part Ins 1808.02(e)</a>	All contracts with residents shall be printed in 10-point type or larger and shall be prepared in a manner to ensure legibility and ease of reading.	
	<a href="#">NHCAR Part Ins 1808.02(f)</a>	A valid and binding contract with a resident shall be signed by the CCRC and each resident who is admitted to the CCRC. An authorized representative may sign the contract with resident on behalf of either party.	

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	<a href="#">NHCAR Part Ins 1808.02(g)</a>	If the resident has agreed to purchase, at an additional price, optional products or services beyond those included in the entrance and periodic fees, a separate page shall be attached specifying the product or service purchased, and the cost of each including any installation charge. Each such separate page shall be executed by the parties identified in paragraph (f).	
	<a href="#">NHCAR Part Ins 1808.02(h)</a>	The contract with resident shall be distributed as follows:	
	<a href="#">NHCAR Part Ins 1808.02(h)(1)</a>	A copy of the current contract with resident form shall be attached as an appendix to each disclosure statement or amended disclosure statement filed with the commissioner;	
	<a href="#">NHCAR Part Ins 1808.02(h)(2)</a>	A copy of the current contract with resident form shall be attached to each disclosure statement given to a prospective resident, unless the individual previously received a disclosure statement with a current contract with resident form attached thereto;	
	<a href="#">NHCAR Part Ins 1808.02(h)(3)</a>	A copy of the current contract with resident form may be given to current residents; and	

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	<a href="#">NHCAR Part Ins 1808.02(h)(4)</a>	If a contract with resident form is not attached to the disclosure statement, as authorized under paragraph (2) above, a separate page shall be attached stating that a copy of the contract with resident form was omitted.	
Contracts With Residents	<a href="#">RSA 420-D:12 I</a>	Each contract between a provider and a resident shall:	
	<a href="#">RSA 420- D:12 I (a)</a>	Be written in plain, non-technical language.	
	<a href="#">RSA 420- D:12 I (b)</a>	Cover only one resident, or 2 if sharing the same unit, and shall include the total amount transferred by the resident, or on behalf of the resident, to the provider. If securities or real or personal property are transferred to the provider instead of cash, the provider shall describe exactly the securities, property, or other goods transferred and the market value of securities or the professional appraised value of property or goods as of the date they were tendered.	

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	<a href="#">RSA 420- D:12 I (c)</a>	State specifically and in full detail all services and items to be provided to the resident including the locations where services and items will be provided, the duration of such services, and how often they are to be provided. The contract shall also describe which services or items are included in the agreement for continuing care and which services or items will be made available by the provider at an extra cost to the resident.	
	<a href="#">RSA 420- D:12 I (d)</a>	State the conditions upon which the provider may evict a resident and the conditions upon which a resident may terminate his residency. A statement as to what portion of the entrance fee shall be returned under each condition shall also be included in accordance with RSA 420-D:12, II.	
	<a href="#">RSA 420- D:12 I (e)</a>	Describe conditions required for a person to continue as a resident.	
	<a href="#">RSA 420- D:12 I (f)</a>	Describe any conditions under which a person delinquent in his periodic payments may remain and if there is a specific time limit.	

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	<a href="#">RSA 420- D:12 I (g)</a>	State the entrance fees and periodic payment changes that may occur if a resident marries or if a spouse joins a resident. It shall also state the fee changes that may occur if either one of the 2 people who occupy the same living unit dies or otherwise leaves that living unit.	
	<a href="#">RSA 420- D:12 I (h)</a>	Describe the terms and conditions under which a provider or a resident may cancel an agreement for continuing care. The contract shall also state that a minimum of 30 days' notice of cancellation must be given, except that a written medical finding by 2 doctors that a resident is a danger to himself or others shall require only reasonable notice.	
	<a href="#">RSA 420- D:12 I (i)</a>	Describe in clear detail all the terms under which a contract is cancelled upon the departure or death of a resident.	
	<a href="#">RSA 420- D:12 I (j)</a>	State the basis upon which the entrance fees are earned by the provider at the death of a resident, what portion, if any, shall be turned over to the estate of the resident, and the formula for calculating all amounts earned by the provider.	



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	<a href="#">RSA 420- D:12 I (k)</a>	Describe the conditions under which periodic payments may change. The contract shall state that a 60-day notice is required before a change in periodic payments shall take effect, except those periodic payments required by federal or state assistance programs.	
	<a href="#">RSA 420- D:12 I (l)</a>	State that periodic payments for care paid in a lump sum shall not be changed during the period covered, unless the resident is receiving federal or state assistance and the change is mandated by those programs.	
	<a href="#">RSA 420- D:12 I (m)</a>	Provide a period of 10 days during which a prospective resident may cancel a contract and have his deposit returned and that there is no requirement to move in during those 10 days.	
	<a href="#">RSA 420- D:12 I (n)</a>	Provide that, within the 10 days under subparagraph (m), the provider shall make a full refund of all money, securities, goods, or property tendered by the prospective resident, except for any non-refundable initial application fee that does not exceed one month's periodic charges and any payments for actual services or goods provided to the prospective resident.	

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	<a href="#">RSA 420- D:12 I (o)</a>	Describe under what conditions a resident may be transferred to another living unit or another part of the facility together with the financial adjustments to be made as a result of such changes.	
	<a href="#">RSA 420- D:12 I (p)</a>	Provide for full refund, except any initial non-refundable application fee of less than one month's periodic payment, if, before occupancy, death occurs or if there is a medically certified incapacity to move in.	
	<a href="#">RSA 420- D:12 II (a)</a>	No contract issued pursuant to this section shall allow dismissal of a resident prior to the end of a contractual period, except for just cause in written form or if 2 doctors, one of whom is not an employee or associated with the facility, find that the resident is a danger to himself or to others. In such cases, the minimum refund shall be the unearned portion of the entrance fee in the contract with the resident.	
	<a href="#">RSA 420- D:12 II (b)</a>	The commissioner or his designee shall intervene prior to a dismissal if so requested by the resident. If the commissioner finds that a resident is being or has been unjustly dismissed, he may, in his capacity as the intervenor, order the return of the entire entrance fee or take any other necessary action on behalf of a resident.	

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<b><u>New Hampshire Insurance Department CCRC Notes:</u></b>			
<b>Statute Link (RSA 420-D) <a href="http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-D.htm">http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII-420-D.htm</a></b>			
<b>Regulation Link (NHCAR PART INS 1808) <a href="http://gencourt.state.nh.us/rules/ins1800.html">http://gencourt.state.nh.us/rules/ins1800.html</a></b>			
<b>Regulation Link (NHCAR PART INS 400) <a href="http://gencourt.state.nh.us/rules/ins400.html">http://gencourt.state.nh.us/rules/ins400.html</a></b>			
<b>All CCRC financial statements go to Exams Division for approval.</b>			
<b>Biographical's are review by Examination Division. If a biographical is received with other forms for our review we need to bring the biographical to Exams and have Examiner initial top corner to show they reviewed.</b>			
<b>As per <u>420-D:7</u> and Ins 1804.01 Annual Reports are due annually, on or before March 15 to the Exams Division</b>			
<b>Certificate of Compliance and Readability not required for CCRC</b>			
<b>Disclosure statement and residency agreements are reviewed by L&amp;H Division and are microfiche</b>			